IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

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EXITEXCHANGE CORP.,

Plaintiff,

v.

8 8 8 8 8 8 8 8 8 8 CASE NO. 2:10-cv-297-TJW

CASALE MEDIA INC., ET AL.,

Defendants.

ORDER

Before the Court are Defendants' various motions to dismiss the Complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). (Dkt. Nos. 55, 62, 63.) The Defendants argue that Plaintiff's Complaint (Dkt. No. 1) is insufficient for various reasons. The Court has carefully considered the parties' arguments and the applicable law. See, e.g., Federal Rule of Civil Procedure 8(a), 12(b)(6) & Form 18; Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007); Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009); McZeal v. Sprint Nextel Corp., 501 F.3d 1354 (Fed. Cir. 2007); Phoenix Licensing, LLC v. Allstate Corp., Case No. 2:09-CV-00255-TJW, Dkt. No. 234 (E.D. Tex. Mar. 10, 2011); Eolas Technologies., Inc. v. Adobe Sys., Inc., Case No. 6:09-CV-446, 2010 WL 2026627 (E.D. Tex. May 6, 2010) (Davis, J.); PA Advisors, LLC v. Google, Inc., 2:07-CV-480-DF, 2008 WL 4136426 (E.D. Tex. Aug. 8, 2008) (Folsom, J.). The Court concludes that Plaintiff's Complaint is insufficient under the applicable law. However, the Court will treat the motions as a request for a more definite statement under Federal Rule of Civil

Procedure 12(e), and to that extent, the motions are GRANTED. Plaintiff will be given thirty (30) days to amend its Complaint so that it is sufficient in accordance with the abovementioned law.

It is so ORDERED.

SIGNED this 12th day of September, 2011.

T. JOHN WARD

UNITED STATES DISTRICT JUDGE

John Ward